IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

TUESDAY, THE 13TH FEBRUARY 2007 / 24TH MAGHA 1928

WP(C).No. 4560 of 2006(P)

PETITIONER:

A.V. SHYLAJA, CHIEF ACCOUNTANT,
VAIKOM URBAN CO-OPERATIVE BANK LTD.NO.1193,
VAIKOM P.O.

BY ADV. SRI.D.SOMASUNDARAM

RESPONDENTS:
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1. JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL) KOTTAYAM.

2. VAIKOM URBAN CO-OPERATIVE BANK LTD.NO.1193, VAIKOM P.O., REPRESENTED BY ITS GENERAL MANAGER IN CHARGE.

3. CO-OPERATIVE EXAMINATION BOARD, THIRUVANANTHAPLURAM REPRESENTED BY ITS SECRETARY.

4. D. RAMACHANDSRAN NAIR, GENERAL MANAGER IN CHARGE, VAIKOM URBAN CO-OPERATIVE BANK LTD., NO.1193, VAIKOM P.O.

BY SR.GOVERNMENT PLEADER SRI. P.K. RAVIKRISHNAN FOR R1 & R3
ADV. T.R. HARIKUMAR FOR R2
ADV. SRI.V.G.ARUN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT-P1: TRUE COPY OF THE PROCEEDINGS OF THE SECRETARY OF THE 2ND RESPONDENT DATED 29.4.1997

EXHIBIT-P2: TRUE COPY OF THE PROCEEDINGS DATED 3.11.2004 OF THE 2ND RESPONDENT

EXHIBIT-P3: TRUE COPY OF THE FEEDER CATEGORY RULES OF THE BANK

EXHIBIT-P4: TRUE COPY OF THE REPRESENTATION DATED 10.11.2004 SUBMITTED BY THE PETITIONER BEFORE THE CHAIRMAN OF THE 2ND RESPONDENT BANK

EXHIBIT-P4 (A) TRUE COPY OF THE SENIORITY LIST OF THE EMPLOYEES OF THE BANK

EXHIBIT-P5: TRUE COPY OF THE COVERING LETTER AND THE NOTIFICATION DATED 19.1.2006

EXHIBIT-P6: TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT DATED 13.2.2006.

EXHIBIT-P7: TRUE COPY OF THE COMMUNICATION NO.CSEB/Ex./2006 DATED 12.10.2006 OF THE CO-OPERATIVE EXAMINATION BOARD, THIRUVANANTHAPURAM.

RESPONDENTS EXHIBITS:

EXHIBIT-R2(a) TRUE COPY OF THE FEEDER CATEGORY RULES APPROVED ON 12-12-1996

EXHIBIT -R2(b) TRUE COPY OF THE PROCEEDINGS NO.CRB-1223/96 DATED 30-4-1996

EXHIBIT-R2(c) TRUE COPY OF THE PAY SCALE STATEMENT OF CLASS I URBAN BANKS

EXHIBIT R2 (d) TRUE COPY REVISED PAY SCALES OF EMPLOYEES OF URBAN CO-OP. BANKS.

K.PADMANABHAN NAIR, J.

W.P. (C) No. 4560 OF 2006-P

Dated this the 13th day of February, 2007

J U D G M E N T

The petitioner who was working as Chief Accountant in the the service of the 2nd respondent Bank, filed this writ petition for a direction to quash Ext.P5 notification by which steps were taken for selection to the post of General Manager by direct recruitment. When the post of General Manager fell vacant, the petitioner was working as Chief Accountant. She was not qualified to be considered for the post of General Manager. The feeder category of General Manager is Assistant Secretary and the feeder category to the post of Assistant Secretary is the Chief Accountant. According to the petitioner, during the pendency of the writ petition, she is promoted as the Assistant Secretary and as on this date she is also qualified to be considered for the post of General Manager. According to the petitioner, she is a graduate with H.D.C and having 26 years of experience. Since the Bank had already initiated steps for direct recruitment, it is for the 1st respondent Bank to take a decision in

the matter. The 1st respondent may consider the claim of the petitioner and take a decision in the matter.

The writ petition is disposed of on the above terms.

K.PADMANABHAN NAIR, JUDGE.

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(KURIAN JOSEPH, JUDGE)

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KURIAN JOSEPH, J.

OP No.

JUDGMENT

13th March, 2006